

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Case 4:18-cv-00341-P Document 61 Filed 03/19/20 Page 1 of 4 PageID 351

LUTZ, PLAINTIFF

VS

CAUSE # 4:18-CV-00341

WAYBOURN, ET AL

MOTION FOR INJUNCTIVE RELIEF FROM

STATE AGENCY

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED MAR 19 2020 CLERK, U.S. DISTRICT COURT

By

COMES NOW, JOE LUTZ, PLAINTIFF PRO SE in the above

NUMBERED ACTION AND WOULD SHOW THIS COURT THE FOLLOWING;
STATE JUDGE LOUIS STEARNS, 213TH DIST. COURT, TARRANT COUNTY,
IGNORED FACTS IN A FORT WORTH POLICE DOCUMENT THAT EXPLICITLY
SET OUT THE INNOCENCE OF PLAINTIFF. THIS WAS A MINISTERIAL
ACT THAT WAS SO PLAIN IN POINT OF LAW AND SO CLEAR IN MATTER
THAT NO ELEMENT OF DISCRETION IS LEFT TO THE PRECISE MODE
OF ITS PERFORMANCE. THE DOCUMENT WAS SWORN TO AND SIGNED
AND DATED BY POLICE. NOWHERE IN THIS ACTION WAS ANY MENTION
OF MEDICAL EXCEPT BY STEARNS, IN HIS BASELESS REASONING
TO IGNORE THIS DOCUMENT.

AS A RESULT, THIS ACTION CAUSED ERRONEOUS INFORMATION
TO BE IN PAROLE FILES. IN GREENHOLZ, 442 U.S. AT 13, NOTING THAT
INNAURATE INFO IN PAROLE FILES INCREASES THE RISK OF ERRONEOUS
PAROLE DECISIONS. EX PARTE VATES, 659 S.W. 2D 840, HELD THAT PRISONERS'
ELIGIBILITY FOR PAROLE IS CALCULATED ACCORDING TO LAW IN EFFECT AT
TIME OF COMMISSION. SEE ALSO EX PARTE TRAHAN, 781 S.W. 2D 291

AS PLAINTIFF IS BEING SUBJECTED TO A COLLATERAL
CONSEQUENCE OF A 1989 COURT ACTION AND 1982 HEARING ALONG
WITH BEING BLANKETED WITH THE FIRST REGISTRATION LAWS PUT

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INTO EFFECT, PLAINTIFF IS UNDER THE 'MANDATORY RELEASE' STATUTE. UNDER THIS STATUTE WHEN FURT TIME PLUS GOOD TIME EQUAL 100% OF SENTENCE, A PRISONER "SHALL BE RELEASED" TO SUPERVISED CONDITIONS. SEE EX PARTE CANADA, 254 S.W.2D 660. IN EX PARTE PATTERSON, 740 S.W.2D 767, THE COURT OF APPEALS FOUND A PROTECTED LIBERTY INTEREST IN PAROLE STATUTES UNDER ART. I § 19 DUE COURSE OF LAW CLAUSE OF TEXAS CONSTITUTION

THIS EXACT ISSUE WAS BROUGHT BEFORE A FEDERAL COURT ON PLAINTIFFS PRIOR INCARCERATION AND WILL BE PRESENTED TO THIS COURT IN A JURY TRIAL IN THIS ACTION. ELEVEN MONTHS IS THE MAND. SUPV. TIME FOR A 2 YEAR SENTENCE. PLAINTIFF HAS SERVED THIRTEEN MONTHS OR 122% OF SENTENCE. INJUNCTIVE RELIEF IS REQUIRED TO ENFORCE THIS MANDATORY STATUTE. PLAINTIFF PRAYS THIS COURT FOR INJUNCTIVE RELIEF.

CERTIFICATE OF SERVICE

A COPY OF THIS PLEADING HAS BEEN FORWARDED TO THE CLERK OF TARRANT COUNTY VIA U.S. MAIL AT 401 BELKNAP, FORT WORTH, TEXAS, 76102, ON MARCH, 17, 2020.

Joe Lutz Pro Se
Joe Lutz

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